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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,480	12/22/2005	Yuqi Cai	DC8509USPCT	8170

7590 11/19/2008
Thomas W Gorman
E I du Pont de Nemours & Company
Legal Patents
Wilmington, DE 19898

EXAMINER

SCULLY, STEVEN M

ART UNIT	PAPER NUMBER
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1795

MAIL DATE	DELIVERY MODE
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11/19/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/562,480	Applicant(s) CAI ET AL.	
	Examiner Steven Scully	Art Unit 1795	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-56 is/are pending in the application.
- 4a) Of the above claim(s) 40-56 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08/26/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

FUEL CELL COLLECTOR PLATES CONTAINING GRAFTED POLYOLEFINS

Examiner: Scully S.N.: 10/562,480 Art Unit: 1795 November 7, 2008

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I, claims 31-39, in the reply filed on October 23, 2008 is acknowledged. Accordingly, claims 40-56 are withdrawn from consideration.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 31-39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Firstly, claim 31 reads "(1) from about 10 to 10 wt% of a grafted polyolefin or a blend of grafted polyolefins and (2) from 0 to about 90 wt% of at least one other thermo plastic polymer having a melting point below 280°C." The range of the weight percentages do not always equate to 100%. It is believed that applicant intended to have the claim read "from about 10 to 100 wt%" as is seen in the canceled claims and other various portions of the specification. For this reason, the claim is interpreted as saying 10 to 100 wt% for further examination purposes. Applicant is asked to clarify.

Secondly, claims 31, 35 and 37 variously use the term "about" which is indefinite and does not provide the reader with a definitive understanding of the intended scope of the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 31-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Hall (US6,059,997).

With respect to claims 31-32, Hall discloses an electrically conductive article comprising a polymer resin of modified polyolefin and conductive fillers. See example 1. As written, the thermo plastic polymer claimed is optional.

With respect to claims 33 and 38, Hall discloses the grafted polyolefin is polypropylene. See Column 5, Lines 4-10.

With respect to claim 34, Hall discloses maleic anhydride grafted polyethylene. See column 6, line 46. As discussed above with regard to claim 33, Hall discloses the polyolefin may also be polypropylene. Thus, Hall discloses maleic anhydride grafted polypropylene as the grafted polypropylene.

With respect to claims 35-36, Hall discloses the modified polyolefin comprising 99% polyethylene and 1% carboxylic acid. See column 3, lines 34-40.

With respect to claim 37, Hall discloses a composition of 108.15g of modified polyolefin and 131.85g of carbon black. See example 2.

With respect to claim 39, Hall discloses the conductive filler to be, for example, carbon powder. See column 5, lines 60-65.

Contact/Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Scully whose telephone number is (571)270-5267. The examiner can normally be reached on Monday to Friday 7:30am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dah-Wei Yuan can be reached on (571)272-1295. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. S./

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Examiner, Art Unit 1795

/Dah-Wei D. Yuan/

Supervisory Patent Examiner, Art Unit 1795